

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE OCT 30 2001**  
**STATEMENT BY APPLICANT**

 Date Submitted: October 30, 2001  
 (use as many sheets as necessary)

Sheet

1

of 7

		<b>Complete if Known</b>	
Application Number	09/910,958		
Filing Date	07/24/2001		
First Named Inventor	Brian S. Hooker et al.		
Group Art Unit	Unassigned		
Examiner Name	Unassigned		
Attorney Docket Number	059440-0138		

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Office <sup>2</sup>	Foreign Patent Document Number <sup>3</sup>	Kind Code <sup>5</sup>	Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YY YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
A1	ZHOU et al., "Introduction of Exogenous DNA into Cotton Embryos", <u>Methods in Enzymology</u> , 1983 pp. 433-481, vol. 101, Academic Press, Inc.		
A2	HESS, "Pollen-Based Techniques in Genetic Manipulation", <u>International Review of Cytology</u> , 1987 pp. 366-395, vol. 107, Academic Press, Inc.		
A3	WILMINK et al., "Selective Agents and Marker Genes for Use in Transformation of Monocotyledonous Plants", <u>Plant Molecular Biology Reporter</u> , 1993, pp. 165-185, vol. 11, no. 2, Transaction Periodical Consortium, Rutgers Univ.		
A4	ROGERS et al., "Improved Vectors for Plant Transformation: Expression Cassette Vectors and New Selectable Markers", <u>Methods in Enzymology</u> , 1987, pp. 252-253, vol. 153, Academic Press.		
A5	GARDNER et al., "The Complete Nucleotide Sequence of an Infectious Clone of Cauliflower Mosaic Virus by M13mp7 Shotgun Sequencing", <u>Nucleic Acids Research</u> , 1981, pp. 2871-2889, vol. 12, no. 12, IRL Press Limited, London, United Kingdom		
A6	SANDERS et al., "Comparison of Cauliflower Mosaic Virus 35S and Nopaline Synthase Promoters in Transgenic Plants", <u>Nucleic Acids Research</u> , 1987, pp. 1542-1559, vol. 15, no. 4, IRL Press Limited, Oxford, England		
A7	MURRAY et al., "Codon Usage in Plant Genes", <u>Nucleic Acids Research</u> , 1989, pp. 476-499, vol. 17, no. 2, IRL Press Limited, Oxford, England		
A8	LUO et al., "A Simple Method for the Transformation of Rice Via the Pollen-Tube Pathway", <u>Plant Molecular Biology Reporter</u> , 1988, pp. 164-175, vol. 6, no. 3, Transaction Periodicals Consortium, Rutgers Univ.		

Examiner Signature	Date Considered
	12/13/01

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT** 30 2001

Date Submitted: October 30, 2001

(use as many sheets as necessary)

Sheet

2

of

7

**Complete if Known**

Application Number	09/910,958
Filing Date	07/24/2001
First Named Inventor	Brian S. Hooker et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	059440-0138

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
--------------------	-----------------------	--	----------------

A9 WEISING et al., "Foreign Genes in Plants: Transfer, Structure, Expression, and Applications", Annu. Rev. Genet., 1988, pp. 421-477, vol. 22, Annual Reviews Inc.

A10 VASIL, "Cell Culture and Somatic Cell Genetics of Plants", Laboratory Procedures and Their Applications, 1984, pp. 2-23. Academic Press, Inc.

A11 PENA et al., "Transgenic Rye Plants Obtained by Injecting DNA into Young Floral Tillers", Nature, 1987, pp. 274-276, vol. 325

A12 NEUHAUS et al., "Transgenic Rapeseed Plants Obtained by the Microinjection of DNA into Microspore-Derived Embryoids", Theor. Appl. Genet., 1987, pp. 30-36, vol. 75, Springer-Verlag

A13 BENBROOK et al., "Herbicide Resistance: Environmental and Economic Issues", Proceedings, Bio. Expo., 1986, pp. 27-54, Butterworths

A14 KAEPPLER et al., "Silicon Carbide Fiber-Mediated DNA Delivery into Plant Cells", Plant Cell Reports, 1990, pp. 415-418, vol. 9, Springer-Verlag

A15 WEISSBACH et al., "Methods for Plant Molecular Biology", Table of Contents, 1988, pp. 5-8, Academic Press, Inc.

A16 EVANS, "Protoplast Fusion", Handbook of Cell Culture, 1983, pp. 291-321, sec. 1, Macmillan Publishing Co., New York

A17 SPIELMANN et al., "T-DNA Structure in Transgenic Tobacco Plants with Multiple Independent Integration Sites", Mol. Gen. Genet. 1986, pp. 34-41, vol. 205, Springer-Verlag

A18 JORGENSEN et al., "T-DNA is Organized Predominantly in Inverted Repeat Structures in Plants Transformed with Agrobacterium Tumefaciens C58 Derivatives", Mol. Gen. Genet., 1987, pp. 471-477, vol. 207, Springer-Verlag

A19 ROGERS et al., "Pathways to Plants Genetic Manipulation Employing Agrobacterium", Plant Molecular Biology, 1987, pp. 179-203, Springer-Verlag Wien, New York

A20 BYTEBIER et al., "T-DNA Organization in Tumor Cultures and Transgenic Plants of the Monocotyledon Asparagus Officinalis", Pro. Natl. Acad. Sci. USA, 1987, pp. 5345-5349, vol. 84, National Institute of Health

A21 POTRYKUS et al., "Direct Gene Transfer to Cells of a Graminaceous Monocot", Mol. Gen. Genet., 1985, pp. 183-188, vol. 199, Springer-Verlag

A22 LORZ et al., "Gene Transfer to Cereal Cells Mediated by Protoplast Transformation", Mol. Gen. Genet., 1985, pp. 178-182, vol. 199, Springer-Verlag

A23 FROMM et al., "Stable Transformation of Maize after Gene Transfer by Electroporation", Nature, 1986, pp. 791-793, vol. 319, Dept. of Biological Sciences, Stanford Univ., Stanford, California

Examiner Signature

Date Considered

12/30/02

\*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two letter code (W PO Standard ST 3) <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible <sup>6</sup>Applicant is to place a check mark here if English language translation is attached

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Date Submitted: October 30, 2001

(use as many sheets as necessary)

Sheet 3 of 7

OCT 3 2001  
PCT/INTL & TRADE

## Complete If Known

Application Number	09/910,958
Filing Date	07/24/2001
First Named Inventor	Brian S. Hooker et al
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	059440-0138

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A24	UCHIMIYA et al., "Expression of a Foreign gene in callus derived from DNA-Treated Protoplasts of Rice ( <i>Oryza Sativa L.</i> )", <u>Mol. Gen. Genet.</u> , 1986, pp. 204-207, vol. 204, Springer-Verlag	
	A25	CALLIS et al., "Introns Increase Gene Expression in Cultured Maize Cells", <u>Genes &amp; Development</u> , 1987, pp. 1183-1200, vol. 1, Cold Springs Harbor Laboratory	
	A26	MARCOTTE et al., "Regulation of a Wheat Promoter by Abscisic Acid in Rice Protoplasts", <u>Nature</u> , 1988, pp. 454-457, vol. 335, no. 6189, Central Research Dept., Delaware	
	A27	TORIYAMA et al., "Haploid and Diploid Plant Regeneration from Protoplasts of Anther Callus in Rice", <u>Theor. Appl. Genet.</u> , 1986, pp. 16-19, vol. 73, Springer-Verlag	
	A28	YAMADA et al., "Plant Regeneration from Protoplast-Derived Callus in Rice ( <i>Oryza Sativa L.</i> )", <u>Plant Cell Reports</u> , 1986, pp. 85-88, vol. 5, Springer-Verlag	
	A29	ABDULLAH et al., "Efficient Plant Regeneration from Rice Protoplasts Through Somatic Embryogenesis", <u>Bio/Technology</u> , 1986, pp. 1087-1090, vol. 4, Nature Publishing Company	
	A30	KLEIN et al., "High-Velocity Microprojectiles for Delivering Nucleic Acids into Living Cells", <u>Nature</u> , 1987, pp. 70-73, vol. 327, NIH	
	A31	KLEIN et al., "Stable Genetic Transformation of Intact Nicotiana cells by the particle Bombardment Process", <u>Proc. Natl. Acad. Sci. USA</u> , 1988, pp. 8502-8505, vol. 85, NIH	
	A32	MCCABE et al., "Stable Transformation of Soybean ( <i>Glycine Max</i> ), by Particle Acceleration", <u>Bio/Technology</u> , 1988, pp. 923-926, vol. 6, NIH	
	A33	ODELL et al., "Identification of DNA Sequences Required for Activity of the Cauliflower Mosaic Virus 35S Promoter", <u>Nature</u> , 1985, pp. 810-812, vol. 313, NIH	
	A34	ESTRELLA et al., "Expression of Chimaeric Genes Transferred into Plant Cells using a Ti-Plasmid-Derived Vector", <u>Nature</u> , 1983, pp. 209-213, vol. 303, MacMillan Journals Ltd.	
	A35	VELTEN et al., "Isolation of a Dual Plant Promoter Fragment from the Ti Plasmid of Agrobacterium <i>Tumefaciens</i> ", <u>The EMBO Journal</u> , 1984, pp. 2723-2730, vol. 3, no. 12, IRL Press Limited, Oxford England	
	A36	BENFEY et al., "Regulated Genes in Transgenic Plants", <u>Science</u> , 1989, pp. 174-264, vol. 244, American Association for the Advancement of Science	
	A37	ALBER et al., "Nucleotide Sequence of the Triose Phosphate Isomerase Gene of <i>Saccharomyces Cerevisiae</i> ", <u>Journal of Molecular and Applied Genetics</u> , 1982, pp. 419-434, vol. 1, Raven Press, New York	
	A38	GIELEN et al., "The Complete Nucleotide Sequence of the TL-DNA of the Agrobacterium <i>Tumefaciens</i> Plasmid pTiAch5", <u>The EMBO Journal</u> , 1984, pp. 835-846, vol. 3, no. 4, IRL Press Limited, Oxford England	

Examiner Signature

Date  
Considered  
12/20/02

\*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number 2See attached Kinds of U.S. Patent Documents 3Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3) 4For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document

5Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible 6Applicant is to place a check mark here if English language Translation is attached

Burden Hour Statement: This form is estimated to take 2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

OCT 30 2001

Substitute for form 1449B/PTO <i>TRADEMARK</i>			Complete if Known		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>			<b>Application Number</b>	09/910,958	
Date Submitted: October 30, 2001 (use as many sheets as necessary)			<b>Filing Date</b>	07/24/2001	
Sheet 4 of 7			<b>First Named Inventor</b>	Brian S. Hooker et al.	
			<b>Group Art Unit</b>	Unassigned	
			<b>Examiner Name</b>	Unassigned	
			<b>Attorney Docket Number</b>	059440-0138	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	A39	DEPICKER et al., "Nopaline Synthase: Transcript Mapping and DNA Sequence", <u>Journal of Molecular and Applied Genetics</u> , 1982, pp. 561-573, Raven Press, New York			
	A40	FRALEY et al., "The Sev System: A New Disarmed Ti Plasmid Vector System for Plant Transformation", <u>Bio/Technology</u> , 1985, pp. 629-635, vol. 3, Monsanto Company St. Luis MO			
	A41	BROGLIE et al., "Structural Analysis of Nuclear Genes Coding for the Precursor to the Small Subunit of Wheat Ribulose-1,5-Bisphosphate Carboxylase", <u>Bio/Technology</u> , 1983, pp. 55-61, NIH			
	A42	MANZARA et al., "Developmental and Organ-Specific Changes in Promoter DNA-Protein Interactions in the Tomato rbcS Gene Family", <u>The Cell Plant</u> , 1991, pp. 1305-1316, vol. 3, American Society of Plant Physiologists			
	A43	KOJIMA et al., "Structure of the Pine ( <i>Pinus Thunbergii</i> ) Chlorophyll a / a-binding Protein Gene Expression in the Absence of Light", <u>Plant Molecular Biology</u> , 1992, pp. 405-410, vol. 19, Kluwer Academic Publishers, Belgium			
	A44	LAMPPA et al., "Structure and Development Regulation of a Wheat Gene Encoding the Major Chlorophyll a/b-Binding Polypeptide", <u>Molecular and Cellular Biology</u> , 1985, pp. 1370-1378, vol. 5, no. 6, American Society for Microbiology			
	A45	SULLIVAN et al., Isolation and Characterization of a Maize Chlorophyll a/b Binding Protein Gene that Produces High Levels of mRNA in the dark", <u>Mol. Gen. Genet.</u> , 1989, pp. 431-440, vol. 215, Springer-Verlag			
	A46	SCHAFFNER et al., "Maize C4 Photosynthesis Involves Differential Regulation of Phosphoenolpyruvate Carboxylase Genes", <u>The Plant Journal</u> , 1992, pp. 221-232, vol. 2, no. 2, NIH			
	A47	FLIEGER et al., "Promoter and Leader Sequence of the Spinach PsaD and PsaF Genes Direct an Opposite Light Response in tobacco Cotyledons: PsaD Sequences Downstream of the ATG Codon are Required for a Positive Light Response", <u>The Plant Journal</u> , 1994, pp. 359-368, vol. 6, no. 3, NIH			
	A48	PWEET al., "The Pea Plastocyanin Promoter Directs Cell-Specific but not full Light-Regulated Expression in Transgenic Tobacco Plants", <u>The Plant Journal</u> , 1993, pp. 437-449, vol. 3, no. 3, NIH			
	A49	YAMAMOTO et al., "Structure and Expression of a Nuclear Gene for the PSI-D Subunit of Photosystem I in <i>Nicotiana Sylvestris</i> ", <u>Plant Molecular Biology</u> , 1993, pp. 985-994, vol. 22, Kluwer Academic Publishers, Belgium			
	A50	SCANLAN et al., "Construction of LacZ Promoter Probe Vectors for use in <i>Synechococcus</i> : application to the Identification of CO <sub>2</sub> -Regulated Promoters", <u>Gene</u> , 1990, pp. 43-49, vol. 90, Elsevier Science Publishers			
	A51	SHAH et al., "Identification of a Salicylic Acid-Responsive Element in the Promoter of the Tobacco Pathogenesis-Related $\beta$ -1,3-Glucanase Gene, PR-2d", <u>The Plant Journal</u> , 1996, pp. 1089-1101, vol. 10, no. 6, NIH			
	A52	BECK et al., "Nucleotide Sequence and Exact Localization for the Neomycin Phosphotransferase Gene from Transposon Tn5", <u>Gene</u> , 1982, pp. 327-336, vol. 9, Elsevier Biomedical Press			

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

1 Unique citation designation number. 2See attached Kinds of U.S. Patent Documents 3Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). 4For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document 5Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible 6Applicant is to place a check mark here if English language Translation is attached

Burden Hour Statement. This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

OCT 30 2001

USPTO - TRADEMA

Substitute for form 1449B/PTO			TRADEMA		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT						
Date Submitted: October 30, 2001 (use as many sheets as necessary)						
Sheet	5	of	7	Application Number	09/910,958	
				Filing Date	07/24/2001	
				First Named Inventor	Brian S. Hooker et al.	
				Group Art Unit	Unassigned	
				Examiner Name	Unassigned	
				Attorney Docket Number	059440-0138	

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
A53	ROTHSTEIN et al., "Promoter Cassettes, Antibiotic-Resistance Genes, and Vectors for Plant Transformation", <u>Gene</u> , 1987, pp. 153-161, vol. 53, Elsevier Science Publishers		
A54	HAGIO et al., "Production of Fertile Transgenic Barley ( <i>Hordeum Vulgare L.</i> ) Plant Using the Hygromycin-Resistance Marker", <u>Plant Cell Reports</u> , 1995, pp. 329-334, vol. 14, Springer-Verlag		
A55	THOMPSON et al., "Characterization of the Herbicide-Resistance Gene Bar from <i>Streptomyces Hygroscopicus</i> ", <u>The EMBO Journal</u> , 1987, pp. 2519-2523, vol. 6, no. 9, IRL Press Limited, Oxford England		
A56	TOKI et al. "Expression of a Maize Ubiquitin Gene Promoter-bar Chimeric Gene in Transgenic Rice Plant", <u>Plant Physiol.</u> , 1992, pp. 1503-1507, vol. 100, no. 3		
A57	YAO et al., "Drosophila Unraspiracle Modulates Ecdysone Receptor Function via Heterodimer Formation", <u>Cell</u> , 1992, pp. 63-72, vol. 71, Cell Press		
A58	OW, et al., "Transient and Stable Expression of the Firefly Luciferase Gene in Plant Cells and Transgenic Plants", <u>Science</u> , 1986, pp. 789-912, vol. 234, American Association for the Advancement of Science.		
A59	CHALFIE et al., "Green Fluorescent Protein as a Marker for Gene Expression", <u>Science</u> , 1994, pp. 802-805, vol. 263, American Association for the Advancement of Science		
A60	SHENG et al., "Agrobacterium-Plant Cell DNA Transport: have Virulence Proteins, Will Travel", <u>The Plant Cell</u> , 1996, pp. 1699-1710, vol. 8, American Society of Plant Physiologists		
A61	HOYKAAS, "Transformation of Plant Cells Via Agrobacterium", <u>Plant Molecular Biology</u> , 1989, pp. 327-336, vol. 13, Kluwer Academic Publishers, Belgium		
A62	CHILTON, "Agrobacterium Gene Transfer: Progress on a "Poor Man's Vector" for Maize", <u>Proc. Natl. Acad. Sci. USA</u> , 1993, pp. 3119-3120, vol. 90, NIH		
A63	KOMARI et al., "Vectors Carrying Two Separate T-DNAs for Co-Transformation of Higher Plants Mediated by Agrobacterium <i>Tumefaciens</i> and Segregation of Transformants Free From Selection Markers", <u>The Plant Journal</u> , 1996, pp. 165-174, vol. No. 1, NIH		
A64	VERWOERD et al., "Stable Accumulation of <i>Aspergillus Niger</i> Phytase in Transgenic Tobacco Leaves", <u>Plant Physiol.</u> , 1995, pp. 1199-1205, vol. 109.		
A65	MURCHIE et al., "Overexpression of Sucrose-Phosphate Synthase in Tomato Plants Grown with CO <sub>2</sub> Enrichment Leads to Decreased Foliar Carbohydrate Accumulation Relative to Untransformed Controls", <u>Plant Physiol. Biochem.</u> , 1999, pp. 251-260, vol. 37, no. 4, Elsevier, Paris		
A66	KUMARI et al., "Physiological Basis of Yield and its Components in Rapeseed-Mustard with Reference to Photoperiod", <u>Indian J. Plant Physiol.</u> , 1994, pp. 142-146, vol. XXXVII, no. 3, NIH		

Examiner  
Signature

Date  
Considered

12/3/02

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

1 Unique citation designation number 2See attached kinds of U.S. Patent Documents. 3Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3); 4For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible. 6Applicant is to place a check mark here if English language Translation is attached

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231

OCT 30 2001

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO TRADEMARKS

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Date Submitted: October 30, 2001

(use as many sheets as necessary)

Sheet 6 of 7

## Complete if Known

Application Number	09/910,958
Filing Date	07/24/2001
First Named Inventor	Brian S. Hooker et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	059440-0138

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A67	PAUL, "Influence of Temperature on Leaf Area Development in <u>Brassica</u> Species", <u>Bangladesh J. Bot.</u> , 1991, pp. 143-148, vol. 20, no. 2, Dept. of Botany, Univ. of Rajshahi, Bangladesh	
	A68	DAI et al., "Improved Plant-Based production of E1 Endoglucanase Using Potato: Expression Optimization and Tissue Targeting", <u>Molecular Breeding</u> , 2000, pp. 277-285, vol. 6, Kluwer Academic Publishers, Netherlands	
	A69	PICHERSKY et al., "Evidence for Selection as a Mechanism in the Concerted Evolution of <u>Lycopersicon Esculentum</u> (Tomato) Genes Encoding the Small Subunit of Ribulose-1,5-Bisphosphate Carboxylase/Oxygenase", <u>Proc. Nat. Acad. Sci. USA</u> , 1986, pp. 3880-3884, vol. 83, NIH	
	A70	CARRASCO et al., "Developmental and Organ-Specific Changes in DNA-Protein Interactions in the Tomato rbcS3B and rbcS3C Promoter Regions", <u>Plant Molecular Biology</u> , 1993, pp. 1-15, vol. 21, Kluwer Academic Publishers, Belgium	
	A71	PARK et al., "Differential Expression of Senescence-Associated mRNAs during leaf Senescence Induced by Different Senescence-Inducing Factors in <u>Arabidopsis</u> ", <u>Plant Molecular Biology</u> , 1998, pp. 445-454, vol. 37, Kluwer Academic Publishers, Belgium	
	A72	DAI et al., "Expression of <u>Trichoderma Reesei</u> Exo-Cellobiohydrolase I in Transgenic Tobacco Leaves and Calli", <u>Applied Biochemistry and Biotechnology</u> , 1999, pp. 689-699, vol. 77-79, Humana Press, New Jersey	
	A73	MATSUOKA et al., "Different Sensitivity to Wortmannin of Two Vacuolar Sorting Signals Indicates the Presence of Distinct Sorting Machineries in Tobacco Cells", <u>Journal of Cell Biology</u> , 1995, 1307-1318, vol. 130, no. 6, Rockefeller University Press	
	A74	BHASKAR et al., "Growth and Yield Analysis of <u>Brassica Juncea</u> L. Under Three Photoperiods", <u>Journal of Environmental Biology</u> , 1994, pp. 55-61, vol. 15, no. 1, Journal of Environmental Biology, India	
	A75	COOPER, "British's Nutrient Film Technique Offers Precise Root Control and Automated Feeding", <u>American Vegetable Grower</u> , 1974, pp. 18, 20	
	A76	RESH, "Hydroponic Food Production", <u>A definitive Guidebook of Soilless Food-Growing Methods</u> , 1995, pp. 5-10, Woodbridge Press Publishing Company	
	A77	ROMER, "Hydroponic Crop Production", <u>Contents</u> , 1993, pp. 1-2, Kangaroo Press PTY. Ltd.	
	A78	GRUBER et al., "Vectors for Plant Transformation", <u>Methods in Plant Molecular Biology and Biotechnology</u> , 1993, pp. 89-119, CRC Press Inc.	
	A79	BARKER et al., "Detecting Distant Relationships: Computer Methods and Results", <u>Atlas of Protein Sequence and Structure</u> , 1972, pp. 101-110, vol. 10, National Biomedical Research Foundation	
	A80	MOLONEY et al., "Transformation and Foreign Gene Expression", <u>Breeding Oilseed Brassicas</u> , 1993, pp. 139-167, Springer-Verlag and Narosa Publishing House	

Examiner  
SignatureDate  
Considered

10/30/02

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

1 Unique citation designation number 2See attached Kinds of U.S. Patent Documents. 3Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document 5Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible 6Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT** OCT 30 2001

Date Submitted: October 30, 2001

(use as many sheets as necessary)

Sheet

7

of

7

**Complete if Known**

Application Number	09/910,958
Filing Date	07/24/2001
First Named Inventor	Brian S. Hooker et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	059440-0138

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials\* Cite No.\* Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. T<sup>6</sup>

A81 ISHIDA et al., "High Efficiency Transformation of Maize (*Zea Mays L.*) mediated by *Agrobacterium tumefaciens*", Nature Biotechnology, 1996, pp. 745-750, vol. 14, no. 6,

A82 SMITH et al., "Agrobacterium Tumefaciens Transformation of Monocotyledons", Crop Science, 1995, pp. 301-309, vol. 35, no. 2. CSSA

A83 FRALEY et al., "Genetic Transformation in Higher Plants", Critical Review Plant Sciences, 1986, pp.1-47, vol. 4, no. 1, CRC Press, Inc.

Examiner  
Signature

Date  
Considered

10/30/01

\*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number 2See attached kinds of U.S. Patent Documents 3Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3) 4For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document

5Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible 6Applicant is to place a check mark here if English language Translation is attached

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute for form 1449B/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>Date Submitted: October 30, 2002 (use as many sheets as necessary)</p>															
		<p><b>Complete if Known</b></p> <table border="1"> <tr> <td><b>Application Number</b></td> <td>09/910,958</td> </tr> <tr> <td><b>Filing Date</b></td> <td>07/24/2001</td> </tr> <tr> <td><b>First Named Inventor</b></td> <td>Brian S. Hooker</td> </tr> <tr> <td>Group Art Unit</td> <td>1638</td> </tr> <tr> <td>Examiner Name</td> <td>P.T. Bui</td> </tr> <tr> <td><b>Attorney Docket Number</b></td> <td>059440-0138</td> </tr> </table>		<b>Application Number</b>	09/910,958	<b>Filing Date</b>	07/24/2001	<b>First Named Inventor</b>	Brian S. Hooker	Group Art Unit	1638	Examiner Name	P.T. Bui	<b>Attorney Docket Number</b>	059440-0138
<b>Application Number</b>	09/910,958														
<b>Filing Date</b>	07/24/2001														
<b>First Named Inventor</b>	Brian S. Hooker														
Group Art Unit	1638														
Examiner Name	P.T. Bui														
<b>Attorney Docket Number</b>	059440-0138														
Sheet	1	of	1												

## U.S. PATENT DOCUMENTS

U.S. Patent Document				Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Examiner Initials*	Cite No. <sup>1</sup>	Number	Kind Code <sup>2</sup> (if known)			

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			

#### OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.
		DAI Z ET AL, "Improved Plant-based Production of E1 Endoglycanase Using Potato: Expression Optimization and Tissue Targeting", Molecular Breeding, June 2000, pp. 277-285, Vol. 6, No. 3, Kluwer Academic Publishers, Dordrecht, Netherlands
		THIELE A ET AL, "Heterologous expression of <i>Arabidopsis</i> phytochrome B in transgenic potato influences photosynthetic performance and tuber development", Plant Physiology, May 1999, pp. 73-81, Vol. 120, No. 1, American Society of Plant Physiologists, Rockville, Maryland, USA
		FLADUNG M ET AL, "Constitutive or light-regulated expression of the <i>ro/C</i> gene in transgenic potato plants has different effects on yield attributes and tuber carbohydrate composition", Plant Molecular Biology, 1993, pp. 749-757, Vol. 23, No. 4, Kluwer Academic Publishers, Belgium
		TIBBITS T W ET AL, "Utilization Of Potatoes In Bioregenerative Life Support Systems, Advances in Space Research: The Official Journal of the Committee on Space Research, 1987, pp. 115-122, Vol. 7, No. 4, COSPAR, Great Britain
		YANDELL B S ET AL: "Modeling The Effects of Light Carbon Dioxide and Temperature on The Growth of Potato", 1988, pp. 811-818, Vol. 28, No. 5, Crop Science, USA

RECEIVED

NOV 05 2002

TECH CENTER 1600/2900

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number <sup>2</sup>See attached kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here

English language Translation is attached

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20331, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20331.